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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,208	03/23/2004	Ichiro Akiyama	OGW-0312	1921

23353 7590 04/06/2005

RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20TH STREET N.W., SUITE 501  
WASHINGTON, DC 20036

EXAMINER

JOHNSTONE, ADRIENNE C

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/806,208

Applicant(s)

AKIYAMA ET AL.

Examiner

Adrienne C. Johnstone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 032304.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Sanderson (3,085,615) or, alternatively, Sarkissian (4,153,095) or Sarkissian (4,262,724) or De Lorean (5,115,852) or German Patent Application 100 51 735 A1.

See Sanderson embodiment of Figure 4: tube cross-section varied as shown in Figure 3 to generate vibrating warning signals indicating the run-flat condition to a driver. As to claim 4, one of ordinary skill in the art would expect the difference in cross-sectional area to fall within the broadly claimed range of at least 5.0% in order to fulfill its function of creating sufficient vibration to be readily detected by the driver.

Alternatively, see Sarkissian '095 embodiment of Figure 13: tube cross-section varied as shown in Figure 25 to generate vibrating warning signals indicating the run-flat condition to a driver. As to claim 4, one of ordinary skill in the art would expect the difference in cross-sectional area to fall within the broadly claimed range of at least 5.0% in order to fulfill its function of creating sufficient vibration to be readily detected by the driver.

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Alternatively, see Sarkissian '724 col. 2 lines 5-39 and 50-65, col. 3 line 32 - col. 9 line 33, col. 10 line 26 - col. 11 line 15: pneumatic insert 14 may be a closed tube, col. 10 lines 26-30, and has constricted radius R1 less than full radius R2 (Figures 14 and 18-20) to generate vibrating warning signals indicating the run-flat condition to a driver. As to claim 4, one of ordinary skill in the art would expect the difference in cross-sectional area to fall within the broadly claimed range of at least 5.0% in order to fulfill its function of creating sufficient vibration to be readily detected by the driver.

Alternatively, see De Lorean col. 2 line 29 - col. 3 line 2, col. 4 line 19 - col. 5 line 36, and col. 5 line 64 - col. 6 line 25: tube cross-section varied as shown in Figures 1-4 to generate vibrating warning signals indicating the run-flat condition to a driver. As to claim 4, one of ordinary skill in the art would expect the difference in cross-sectional area to fall within the broadly claimed range of at least 5.0% in order to fulfill its function of creating sufficient vibration to be readily detected by the driver.

Alternatively, see DE '735 abstract and Figure 2. As to claim 4, the close correspondence of structure and function (reducing resonance inside the tire) between the claimed tire/wheel assembly and the reference tire/wheel assembly provides a reasonable basis for the examiner to infer that the reference tire/wheel assembly also meets the claimed tube cross-sectional area change of at least 5.0%; burden thus shifts to applicants to show an unobvious difference (MPEP 2112. 2112.01).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanderson (3,085,615) or, alternatively, Sarkissian (4,153,095) or Sarkissian (4,262,724) or De Lorean (5,115,852) or German Patent Application 100 51 735 A1, in view of Aflague et al. (5,385,191).

See paragraph 3 above: it is well known in such dual chamber pneumatic tire and wheel assemblies to provide the wheel with an inflation valve for each chamber, the valves spaced 180 degrees apart to balance each other, as evidenced by Aflague et al. (col. 3 lines 34-62) for example; it would therefore have been obvious to one of ordinary skill in the art to provide such well known inflation valve arrangement in the above tire/wheel assemblies in order to balance the inflated assemblies.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571)272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571)272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adrienne C. Johnstone  
Primary Examiner  
Art Unit 1733

Adrienne Johnstone

April 3, 2005

A handwritten signature in black ink that reads "Adrienne C. Johnstone". The signature is written in a cursive, flowing style.